

REMARKS

Claims 25, 31, 34, and 37-54 are pending in the current application, claims 35, 31, 46, 48, 52 and 53 are currently amended. Claims 1-24, 26-30, 32-33, and 35-36 are canceled.

Claim Rejection – 35 U.S.C. § 112

Claims 25, 31, 37-40, 43-44, 46-48, and 52-53 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The Examiner asserts claim 25 is indefinite for reciting the storing of second information when “no further recording can be made on the computer readable medium”. The Examiner asserts the term “computer readable medium” is inclusive of all recording areas on the recording medium. The Examiner asserts claims 31, 46, 48, 52, and 53 are also indefinite for having limitations similar to those of claim 25. The Examiner rejects claims 37-40, 43-44, and 47 for depending from indefinite claims.

Applicants respectfully submit claim 25 has been amended to recite “when no further recording **of user data** is made on the computer readable medium” (emphasis added) in order to clarify that it is user data, as opposed to defect management information, which is no longer being recorded on the disc. This amendment is supported by at least paragraph [0022] and [0023] of Applicants’ Originally filed Specification which discuss the operation of the user data area, the temporary defect management area (TDMA), and the defect management area (DMA) illustrated in Applicants’ FIG. 1. Accordingly, Applicants respectfully submit claim 25 is not indefinite and meets the requirements of §112, second paragraph.

Additionally, Applicants respectfully submit claims 31, 46, 48, 52, and 53 have been amended and have limitations similar to those of claim 25. Accordingly, for the same reasons discussed above with respect to claim 25, Applicants respectfully submit claims 31, 46, 48, 52, and 53 are not indefinite and meet the requirements of §112, second paragraph.

Further, Applicants respectfully submit claims 37-40, 43-44 and 47 were rejected for depending from claims 25, 31 and 46. Accordingly, Applicants respectfully submit, for at least the reasons discussed above with respect to claims 25, 31, and 46, claims 37-40, 43-44 and 47 are not indefinite and meet the requirements of §112, second paragraph.

Therefore, Applicants respectfully request the rejection of claims 25, 31, 37-40, 43-44, 46-48, and 52-53 under §112, second paragraph be withdrawn.

Allowable Subject Matter

The Examiner indicated claims 34, 41, 42, 45, 49, 50, 51, and 54 are allowed. The Examiner indicated claims 25, 31, 37-40, 43-44, 46-48, and 52-53 would be allowed if amended to overcome the rejection under §112, second paragraph.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 25, 31, 34, and 37-54 in connection with the present application is earnestly solicited.

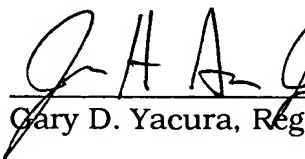
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

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